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V.S.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/858,245 05/19/97 PADOVANI

R QCPA418

EXAMINER

LM02/0420

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VO, N

ART UNIT

PAPER NUMBER

2745

DATE MAILED:

04/20/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/858,245

Applicant(s)

Padovani

Examiner

Nguyen Vo

Group Art Unit

2745



☒ Responsive to communication(s) filed on Feb 18, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-3 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

1. This action is in response to applicant's amendment filed on 02/18/99. Claims 1-3 are now pending in the present application. This action is made FINAL.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeney, II (5,267,261; hereinafter simply referred to as Blakeney) in view of Searle (5,603,089).

As to claim 1, Blakeney discloses all the claimed limitations. More specifically, "a set of parameters" as claimed read on the Active Set, Candidate Set and Neighbor Set at column 21 lines 48-68; "operating the cellular network in a predetermined interval" as claimed reads on the time interval in which a mobile station measures pilot signals, and reports the measured pilot signals in Blakeney; "collecting and saving data from received pilot strength measurement messages" as claimed reads on column 19 lines 13-22, column 20 lines 3-17, column 22 lines 46-56, column 23 line 19 to column 28; and "revising said set of parameters in accordance with said data from received pilot strength measurement messages" as claimed reads on modifying the above Active Set, Candidate Set

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and Neighbor Set as disclosed at column 19 lines 13-22, column 20 lines 3-17, column 22 lines 46-56, column 23 line 19 to column 28 in Blakeney. Blakeney fails to disclose adjusting the spatial characteristics of an antenna associated with a particular cell as claimed. Searle discloses a mobile communication system, wherein spatial characteristics of an antenna of a base station associated with a particular cell is adjusted in azimuthal angle in order to improve signal reception and transmission at the base station (see column 2 lines 46-62, columns 3-4 and column 5 lines 51-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Searle to Blakeney, in order to improve signal reception and transmission at the base station (as suggested by Searle at column 4 lines 23-26, 40-42 and 55-65).

As to claims 2-3, since Searle discloses adjusting antenna in azimuth angle as discussed above, the combination of Blakeney and Searle discloses adjusting the height and azimuth of the antenna as claimed.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeney, II (5,267,261; hereinafter simply referred to as Blakeney) in view of Keskitalo (5,893,033).

As to claims 1-3, Blakeney discloses all the claimed limitations. More specifically, "a set of parameters" as claimed read on the Active Set, Candidate Set and Neighbor Set at column 21 lines 48-68; "operating the cellular network in a predetermined interval" as claimed reads on the time interval in which a mobile station measures pilot signals, and reports the measured pilot signals in Blakeney; "collecting and saving data from received pilot strength measurement messages" as claimed

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reads on column 19 lines 13-22, column 20 lines 3-17, column 22 lines 46-56, column 23 line 19 to column 28; and “revising said set of parameters in accordance with said data from received pilot strength measurement messages” as claimed reads on modifying the above Active Set, Candidate Set and Neighbor Set as disclosed at column 19 lines 13-22, column 20 lines 3-17, column 22 lines 46-56, column 23 line 19 to column 28 in Blakeney. Blakeney fails to disclose adjusting the spatial characteristics of an antenna associated with a particular cell as claimed. Keskitalo discloses a mobile communication system, wherein spatial characteristics of an antenna of a base station associated with a particular cell is adjusted in azimuthal angle in order to enable rapid handovers (see column 4 lines 45-56, columns 16-17, figure 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Keskitalo to Blakeney, in order to enable rapid handovers (as suggested by Keskitalo at column 4 lines 48-50).

### *Response to Arguments*

5. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**7. Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

(703) 305-9508 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Vo, whose telephone number is (703) 308-6728. The Examiner can normally be reached on Tuesday-Friday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Monday.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Nguyen Vo  
April 16, 1999



**NGUYEN VO**  
**PRIMARY EXAMINER**